Andover Conservation Commission Meeting Minutes January 18, 2011

Town of Andover 36 Bartlett Street 3rd Floor Conference Room 7:45pm

Conservation Commission Members in Attendance:

Chairman Donald Cooper, Vice Chairman Michael Walsh, Commissioner Kevin Porter, Commissioner Alix Driscoll, Commissioner Gail Ralston, Commissioner Jon Honea and Commissioner Floyd Greenwood. Staff Member present was Robert Douglas, Director of Conservation.

SCHEDULED ITEMS:

103 Chestnut Street

Present in Interest: Steve Stapinski and Anthony Sakakeeny

Staff Recommendation: Close Public Hearing and Issue Order of Conditions

Continued Public Hearing on a Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law for the proposed demolition of an existing garage and construction of a new garage and addition.

Mr. Douglas presented this to the Commission. This is a filing under the WPA only which was continued from January 4, 2011 at the request of the Applicant. A site walk was conducted to determine the closeness of the project to the River and determine if the neighbor would experience flooding due to the grade of the new driveway. Commissioner Porter addressed the Commission about what he observed on the sitewalk. He determined that the water from the driveway would not run onto the neighbor's property but was concerned about the leach field and sump pump outlet runoff. Mr. Stapinski informed the Commission that a drywell will be installed just below the existing grade and there would be no runoff onto the neighbor's property. The sump pump will no longer be necessary because they are rebuilding the back of the house using crushed stone at the footing and the new garage floor will be above grade. Commissioner Driscoll asked if the size of the home could be reduced since it appeared that it would cover at least half of the lot. Commissioner Honea agreed, but stated the runoff would be reduced due to the drywell. Mr. Stapinski agreed in that the existing runoff is untreated entering the wetland as it only runs across the lawn but the new addition will have gutters with infiltration to reduce the untreated runoff into the wetland.

The neighbor at 1 Chestnut Street questioned the retaining wall along the edge of the lot line being able to hold back the new grade. The retaining wall will be about one foot off the property line and the Applicant is willing to install a fence on top if necessary.

Chairman Cooper asked for a Motion. Commissioner Ralston made a Motion to close the Public Hearing and issue the Order of Conditions as drafted with the option of installing a fence, it was seconded by Commissioner Honea and approved by a vote of 6-1 with Commissioner Driscoll opposed.

9 Pride's Circle

Present in Interest: Steve Ericksen

Staff Recommendation: Continue

Continued Public Hearing on a Notice of Intent filed under the Massachusetts Wetlands Protection Act for the proposed construction of a landscape wall, inground pool and walkway.

Mr. Douglas presented this to the Commission. This was continued from January 4, 2011 to allow Commissioners to conduct a sitewalk. There are no DEP comments yet. Commissioner Porter stated that the proposed pool and patio area are much smaller in person than they appear on the plan and the corner of the property dips down and will need to be leveled off before construction. The patio abuts the fence.

Mr. Ericksen informed the Commission that when the pool deck is constructed it will have a slight pitch towards the pool so that any runoff will go directly into the pool and the concrete will have small cuts to allow for expansion and absorption. The Applicant does not want to move the pool as suggested by the Commission at the last meeting. Chairman Cooper advised the Commission that this is not a By-Law project and the setbacks should be 30 feet for a pool. The question to be decided is if the project is constructed as proposed will it harm the wetland.

Commissioner Floyd believes the pool becomes a pervious area with chemicals that could leak into the wetland. Mr. Ericksen stated that the pool will have a cartridge filter with no discharge and the chlorine and other chemicals used are at safe, low levels.

The Commission would recommended an increase in the setback from what is shown on the plan.

Mr. Finger stated that setbacks are set for a reason and any exception to the setback must be for a specific reason which is case specific, like the proposed pervious wall. Commissioner Ralston stated that without any effort on behalf of the Applicant to compromise on the project, she would be against the exemption. Commissioner Driscoll agreed.

The Commission scheduled another site visit for January 26th at 10:10am.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to continue to February 1, 2011, it was seconded by Commissioner Ralston and unanimously approved.

165 Haverhill Street

Present in Interest: Damodar Persaud

Staff Recommendation: Continue

Continued Public Hearing on an Abbreviated Notice of Resource Area Delineation filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law for the delineation of wetlands.

Mr. Douglas presented this to the Commission. There are no DEP Comments yet. The DEP says the Applicant owes \$12.50, but the Applicant has a copy of the check which has been cashed and cleared his account. It was previously determined the stream is intermittent.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to Close the Public Hearing and issue the Delineation, it was seconded by Commissioner Ralston and unanimously approved.

ACTION ITEMS:

Serio's Grove Scout Project Present in Interest: Ben Setzer

Staff Recommendation: Approve

Ben Setzer presented his Eagle Scout Project which consists of building 2 picnic tables for use at the fire pits at Serio's Grove. He will build them off site then move them onto the site after completion. He is hoping for spring or early summer for completion. The picnic tables will not be secured to the ground.

Commissioner Ralston made a Motion to Approve the project, it was seconded by Commissioner Driscoll and unanimously approved.

Andover Country Club

Present in Interest: Christine Sheehy

Staff Recommendation: Approve

Amended Conservation Restriction of Legend 1. This is restricted common area for Legends 1 property. There will be no public access. The Amended Conservation Restriction has been approved by Town Counsel and is going back to the Planning Board for approval with the amendment to include Parcel RCA. Chairman Cooper asked the significance for the Town of Andover to follow through with the state approval for the Restriction. Mr. Douglas will follow up with Carol McGravey on that issue. Commissioners Porter and Greenwood asked for time to review the Amended Conservation Restriction.

Commissioner Ralston made a Motion to continue to February 1, 2011, it was seconded by Commissioner Driscoll and unanimously approved.

Holt Road Conservation

Staff Recommendation: Approve

The Commission allowed a small home to be built on Holt Road in exchange for a large Conservation Restriction on three lots. The Conservation Restriction has been reviewed by Town Counsel and approved.

Commissioner Driscoll made a Motion to Approve, it was seconded by Commissioner Greenwood and unanimously approved.

CONSENT AGENDA:

5 Haybale Road

Issuance of a Certificate of Compliance. Staff recommends obtaining a report from Jeff Bridge.

Commissioner Ralston made a Motion to continue, it was seconded by Commissioner Driscoll and unanimously approved.

INFORMATION ITEMS THAT MAY REQUIRE A VOTE:

Wetlands at Bancroft and Main Street

Commissioner Walsh recused himself.

The water department has sent a letter stating the sedimentation in the wetland is from the water tank and they will take responsibility. A mediation plan will be prepared, but they will hire a different consultant other than CDM due to the conflict with Commissioner Walsh.

DISCUSSION ITEMS:

Taylor Cove/Victoria Place Rare Species Discussion

There is a possible endangered species area on Taylor Cove. The area has been stripped even after Natural Heritage gave the Applicant notice under the Taylor Cove project. The Applicant stripped the land under Victoria's Place.

29 Hearthstone Enforcement Order

Staff has received a letter from the homeowner requesting an extension to submitting his planting plan to April 19, 2011. The Commission agreed to table until April 19, 2011.

50 Years of Conservation Commission

Commissioner Ralston is coordinating the celebration of 50 Years of the Conservation Commission. This may include a slideshow at Town Meeting; reaching out to all former Commissioners to attend; may combine with annual overseer's meeting and a picnic at Serio's Grove.

The next meeting will be held at 7:45pm on February 1, 2011.

The meeting was adjourned at 9:28pm by Motion of Commissioner Driscoll, it was seconded by Commissioner Greenwood and unanimously approved.

Respectfully submitted by:

Lynn Viselli, Recording Secretary